REMARKS

The Applicants request that the Amendment After Final that was previously presented in this case not be entered, and, instead, that this Request for Continued Examination application be considered in view of the present Preliminary Amendment.

Claims 1-36 have been cancelled and replaced therefore with claims 37-70. Claims 37-70, respectively correspond to prior claims 1-34.

Claims 1-21 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter because, according to the Patent Examiner "claims 1 and 5 (and respectively 2-4, 6-21), recite a 'network element' comprising a 'an algorithm . . .'." The Patent Examiner also contends that the claim language "appears to be software method claim language that is non-statutory per se" and does not explicitly specify a software or hardware system.

Claims 21-22 stand rejected under 35 U.S.C. § 101 because, according to the Examiner, "the claimed invention is directed to non-statutory subject matter" because "claims 21,22 recite a 'network element' comprising a '. . . software program . . .'."

Claims 1-7, 16-18, 21-26, 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cromer et al, U.S. Patent 6,609,207B1.

Claims 8-15, 19, 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer et al, U.S. Patent 6,609,207 B1.

Claims 23-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer et al, U.S. Patent 6,609,207 B1, and further in view of Mufic, U.S. Patent 5,943,423.

Claims 1, 5, 21, 23, 27, 28 and 34 have been amended and claims 35 and 36 have been cancelled. The applicants hereby request reconsideration of this application in view of the preceding amendments and the remarks that follow.

I   Claim Rejections under 35 USC § 101

Claims 37, 41, 57, and 58, which are analogous to prior claims 1, 5, 21, 22 have been

drafted to make it clear that claims 37-58 are directed to statutory subject matter. The use of the

words "algorithm" and "software program" have been eliminated.

II   Claim Rejections under 35 USC § 102 and 35 USC § 103

All the independent claims (i.e. 37, 41, 59, 63, 64, and 70, which are analogous to

cancelled claims 1, 5, 23, 27, 28 and 34, respectively) have been drafted to explicitly state that

which was implicit in the claims, that the claims are directed to a solution in which the softkey

values are "inputted from outside of the network device" in the sense that the softkey values are

received by the network element via a network connection. The claims thus are clearly

distinguishable from the solution presented by Cromer in US6,609,207B1. In the Cromer reference

the passwords are inputted to the device via a keyboard and not via a network connection. (There is

no other input device neither disclosed nor suggested by Cromer but the keyboard.)

In view of the foregoing remarks, it is submitted that independent claims 37, 41, 59, 63, 64,

and 70 and the claims dependent thereon should be allowed. The dependent claims provide further

patentable distinctions over the applied reference.

The independent claims were also drafted to clearly specify that the softkey values are

machine generated and can be used only once in relation to the same network feature. Even if one

were to apply the broad interpretation of the Cromer reference suggested by the Examiner, the

applicant is of the opinion that those teachings do not encompass the situation when the passwords

are machine generated and valid only once. It is hard to imagine that it would be within

contemplation of the Cromer reference that the passwords are machine generated since they must be

manually inputted (Cromer does not disclose nor suggest any other method of inputting the passwords, and the only device disclosed that can be used for that is the keyboard), which also implies that these passwords must be memorized by the user, which in the case of machine generated passwords is not an easy task and would likely lead to many errors and unsuccessful attempts to activate/deactivate the requested feature. Even if one were to accept the Examiner's interpretation that the possibility of reconfiguration of the password in fact means that the old password is disposable, it is hard to imagine that it would be within contemplation of the Cromer reference that the passwords may be used only once. Such a solution would impose a very significant burden on the user, who would be forced to change the passwords unacceptably often, remember the newly generated passwords, and in creating passwords follow a password policy that is in place in his organization. Consequently it is clear that Cromer fails to disclose or suggest that the passwords are machine generated and can be used only once in relation to the same network feature. The claims have been drafted to make this distinction clearer.

In view of the foregoing remarks, it is submitted that independent claims 37, 41, 59, 63, 64, and 70 and the claims dependent thereon should be allowed. The dependent claims provide further patentable distinctions over the applied reference.

Conclusions

In view of the amendments and remarks, it is believed that claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If any further action by the applicants is necessary, the Examiner is respectfully requested to contact the applicants' attorney at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees required by this response to the Jones Day Deposit Account #501432, reference 560043-670106.

Respectfully submitted,

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